

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

Z.P., A.W., G.C., M.L.,)
)
Plaintiffs/Counter-Defendants,)
)
vs.) **Case No.: 7:24-CV-00151-ACA**
)
ERROL GREGORY BRYANT,)
)
Defendant/Counter-Plaintiff.)
)

**DEFENDANT/COUNTER-PLAINTIFF'S AMENDED ANSWER
TO PLAINTIFFS/COUNTER-DEFENDANTS' AMENDED COMPLAINT**

COMES NOW, Defendant/Counter-Plaintiff, Errol Gregory Bryant, by and through the undersigned counsel, and of record, and for his amended answer to Plaintiffs/Counter-Defendants' First Amended Complaint states as follows:

DEFENDANT/COUNTER-PLAINTIFF'S AMENDED ANSWER

NATURE OF THE ACTION

1. Defendant/Counter-Plaintiff denies the allegations in Paragraph 1 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.
2. Defendant/Counter-Plaintiff denies the allegations in Paragraph 2 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

3. Defendant/Counter-Plaintiff denies the allegations in Paragraph 3 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

4. Defendant/Counter-Plaintiff denies the allegations in Paragraph 4 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

5. Defendant/Counter-Plaintiff denies the allegations in Paragraph 5 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

6. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

THE PARTIES

7. Defendant/Counter-Plaintiff answering herein has no reason to deny the allegations in this Paragraph but cannot affirm the age or residency of Plaintiff/Counter-Defendant.

8. Defendant/Counter-Plaintiff answering herein has no reason to deny the allegations in this Paragraph but cannot affirm the age or residency of Plaintiff/Counter-Defendant.

9. Defendant/Counter-Plaintiff answering herein has no reason to deny the allegations in this Paragraph but cannot affirm the age or residency of Plaintiff/Counter-Defendant.

10. Defendant/Counter-Plaintiff answering herein has no reason to deny the allegations in this Paragraph but cannot affirm the age or residency of Plaintiff/Counter-Defendant.

11. Admit.

JURISDICTION & VENUE

12. Defendant/Counter-Plaintiff denies the allegations in Paragraph 12 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

13. Defendant/Counter-Plaintiff denies the allegations in Paragraph 13 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

14. Admit.

15. Admit.

FACTS

Facts as to Plaintiff/Counter-Defendant Z. P.

16. Defendant/Counter-Plaintiff admits the reference to ages and that he met Z.P. in 2021; Defendant/Counter-Plaintiff denies the remaining allegations in

Paragraph 16 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

17. Defendant/Counter-Plaintiff denies the allegations in Paragraph 17 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

18. Defendant/Counter-Plaintiff denies the allegations in Paragraph 18 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

19. Defendant/Counter-Plaintiff denies the allegations in Paragraph 19 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

20. Defendant/Counter-Plaintiff denies the allegations in Paragraph 20 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

21. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

22. Defendant/Counter-Plaintiff denies the allegations in Paragraph 22 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

23. Defendant/Counter-Plaintiff denies the allegations in Paragraph 23 of Plaintiffs/Counter-Defendants' Amended Complaint as written and demands strict proof thereof.

24. Defendant/Counter-Plaintiff denies the allegations in Paragraph 24 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

25. Defendant/Counter-Plaintiff denies the allegations in Paragraph 25 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

26. Defendant/Counter-Plaintiff denies the allegations in Paragraph 26 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

27. Defendant/Counter-Plaintiff denies the allegations in Paragraph 27 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

28. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

29. Defendant/Counter-Plaintiff denies the allegations in Paragraph 29 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

30. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

31. Defendant/Counter-Plaintiff denies the allegations in Paragraph 31 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

32. Defendant/Counter-Plaintiff denies the allegations in Paragraph 32 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

33. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

34. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

35. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

36. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

37. Defendant/Counter-Plaintiff denies the allegations in Paragraph 37 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

38. Defendant/Counter-Plaintiff admits the reference to ages and that he did not inform A.W. about Z.P.; Defendant/Counter-Plaintiff denies the remaining allegations in Paragraph 38 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

39. Defendant/Counter-Plaintiff denies the allegations in Paragraph 39 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

40. Defendant/Counter-Plaintiff admits the allegations in the first sentence of this paragraph but denies the remainder and demands strict proof thereof.

41. Defendant/Counter-Plaintiff denies the allegations in Paragraph 41 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

42. Defendant/Counter-Plaintiff denies the allegations in Paragraph 42 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

43. Defendant/Counter-Plaintiff denies the allegations in Paragraph 43 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

44. Defendant/Counter-Plaintiff denies the allegations in Paragraph 44 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

45. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

46. Defendant/Counter-Plaintiff denies the allegations in Paragraph 46 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

47. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

48. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

49. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

50. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

51. Defendant/Counter-Plaintiff denies the allegations in Paragraph 51 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

52. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

Facts Common to Plaintiffs Z.P. and A.W.

53. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

54. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

55. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

56. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

57. The statute speaks for itself. To the extent a response is required, Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

58. Admit.

59. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

Facts as to Plaintiff/Counter-Defendant G. C.

60. Defendant/Counter-Plaintiff admits the reference to ages and that he met G.C. in 2022; Defendant/Counter-Plaintiff denies the remaining allegations in Paragraph 60 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

61. Defendant/Counter-Plaintiff denies the allegations in Paragraph 61 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

62. Defendant/Counter-Plaintiff denies the allegations in Paragraph 62 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

63. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

64. Defendant/Counter-Plaintiff denies the allegations in Paragraph 64 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

65. Defendant/Counter-Plaintiff denies the allegations in Paragraph 65 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

66. Defendant/Counter-Plaintiff denies the allegations in Paragraph 66 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

67. Defendant/Counter-Plaintiff is unclear as to who Z. R. is and is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

68. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

69. Defendant/Counter-Plaintiff denies the allegations in Paragraph 69 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

70. Defendant/Counter-Plaintiff denies the allegations in Paragraph 70 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

Facts as to Plaintiff/Counter-Defendant M.L.

71. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

72. Defendant/Counter-Plaintiff denies the allegations in Paragraph 72 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

73. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

74. Defendant/Counter-Plaintiff denies the allegations in Paragraph 74 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

75. Defendant/Counter-Plaintiff denies the allegations in Paragraph 75 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

76. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

77. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

78. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

79. Defendant/Counter-Plaintiff denies the allegations in Paragraph 79 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

Facts as to Defendant/Counter-Plaintiff

80. Defendant/Counter-Plaintiff denies the allegations in Paragraph 80 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

81. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

82. Defendant/Counter-Plaintiff denies the allegations in Paragraph 82 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

83. Defendant/Counter-Plaintiff denies the allegations in Paragraph 83 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

84. Defendant/Counter-Plaintiff denies the allegations in Paragraph 84 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

CLAIMS FOR RELIEF

Count I- Nonconsensual Disclosure of Intimate Images

85. Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

86. Defendant/Counter-Plaintiff is without sufficient information to admit or deny the allegations contained in this paragraph; therefore, Defendant/Counter-Plaintiff denies said allegations and demands strict proof thereof.

87. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

88. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

89. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

90. Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

Count II – Intentional Infliction of Emotional Distress

(Alabama Tort of Outrage)

91. Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

92. Defendant/Counter-Plaintiff denies the allegations in Paragraph 92 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

93. Defendant/Counter-Plaintiff denies the allegations in Paragraph 93 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

94. Defendant/Counter-Plaintiff denies the allegations in Paragraph 94 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

95. Defendant/Counter-Plaintiff denies the allegations in Paragraph 95 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

Count III -Violation of Privacy

96. Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

97. Defendant/Counter-Plaintiff denies the allegations in Paragraph 97 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

98. Defendant/Counter-Plaintiff denies the allegations in Paragraph 98 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

99. Defendant/Counter-Plaintiff denies the allegations in Paragraph 99 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

100. Defendant/Counter-Plaintiff denies the allegations in Paragraph 100 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

Count IV – Unjust Enrichment

(as to Plaintiff/Counter-Defendant's Z.P., A.W., and G.C.)

101. Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

102. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

103. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

104. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

105. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

106. Defendant/Counter-Plaintiff denies the allegations in Paragraph 6 of Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

PRAYER FOR RELIEF

Defendant/Counter-Plaintiff answering herein is not required to respond to this paragraph. To the extent Defendant/Counter-Plaintiff is required to respond, Defendant/Counter-Plaintiff denies the allegations in this Paragraph and demands strict proof thereof.

DEFENSES AND AFFIRMATIVE DEFENSES

Discovery and investigation may reveal that any one or more of the following defenses should be available to Defendant/Counter-Plaintiff in this matter. Defendant/Counter-Plaintiff therefore asserts said defenses in order to preserve its right to assert them. Upon completion of discovery, and if the facts warrant, Defendant/Counter-Plaintiff may withdraw any of these defenses as may be

appropriate. Further, Defendant/Counter-Plaintiff reserves the right to amend this answer to assert additional defenses, cross claims, third-party claims and other claims and defenses as discovery proceeds. Without assuming any burden of proof or persuasion not otherwise imposed by law, Defendant/Counter-Plaintiff affirmatively asserts the following additional defenses:

FIRST DEFENSE

The Amended Complaint fails to state a claim upon which relief can be granted against Defendant/Counter-Plaintiff.

SECOND DEFENSE

Defendant/Counter-Plaintiff pleads consent.

THIRD DEFENSE

Defendant/Counter-Plaintiff is not guilty of the matters and things alleged in Plaintiffs/Counter-Defendants' Amended Complaint and demands strict proof thereof.

FOURTH DEFENSE

Defendant/Counter-Plaintiff denies the material allegations alleged in the Amended Complaint and demands strict proof thereof.

FIFTH DEFENSE

There is no causal relation to the claims being made by the Plaintiffs in this matter and Defendant/Counter-Plaintiff's conduct.

SIXTH DEFENSE

Defendant/Counter-Plaintiff denies any of its acts or omissions were the proximate cause of Plaintiffs' alleged injuries.

SEVENTH DEFENSE

Defendant/Counter-Plaintiff denies that the Plaintiffs were injured or damaged to the nature and extent alleged in the Complaint and demands strict proof thereof.

EIGHTH DEFENSE

Defendant/Counter-Plaintiff denies that the Plaintiffs were injured as a result of any conduct by Defendant/Counter-Plaintiff.

NINTH DEFENSE

Defendant/Counter-Plaintiff pleads the applicable statute of limitations.

TENTH DEFENSE

Defendant/Counter-Plaintiff pleads the affirmative defenses of laches, waiver, unclean hands, and/or ratification.

ELEVENTH DEFENSE

Defendant pleads the First Amendment.

TWELFTH DEFENSE

Defendant denies that it acted negligently, willfully, or intentionally.

THIRTEENTH DEFENSE

Defendant pleads the doctrine of spoliation of evidence.

FOURTEENTH DEFENSE

Defendant pleads the Fourteenth Amendment and the exception of commercial pornographic content.

FIFTEENTH DEFENSE

Plaintiffs failed to mitigate their damages in this case as required by Alabama law.

SIXTEENTH DEFENSE

Defendant denies that it breached any duty owed to the Plaintiffs.

SEVENTEENTH DEFENSE

Plaintiff/Counter-Defendants' claims are barred by contributory negligence.

EIGHTEENTH DEFENSE

Defendant pleads lack of identifiability.

NINETEENTH DEFENSE

To the extent the Plaintiffs are seeking punitive damages, Defendant asserts the following affirmative defenses:

1. Plaintiffs' claims of punitive damages violate the Fourth, Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States, and Article I Section 6 of the Constitution of Alabama, on the following grounds:

(a) It is a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution to impose punitive damages, which are penal in nature, against a civil defendant upon the Plaintiff satisfying a burden of proof which is less than the “beyond a reasonable doubt” burden of proof required in criminal cases.

(b) The procedures pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple Defendants for different alleged acts of wrongdoing, which infringes the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution.

(c) The procedures pursuant to which punitive damages are awarded fail to provide a reasonable limit on the amount of the award against Defendant, which thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

(d) The procedures pursuant to which punitive damages are awarded fail to provide specific standards, or provides vague or insufficient standards, for the amount of the award of punitive damages which thereby violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

(e) The procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts and, thus, violate

the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

(f) The procedures pursuant to which punitive damages are awarded permit the imposition of punitive damages in excess of the maximum criminal fine for the same or similar conduct, which thereby infringes the Due Process Clause of the Fifth and Fourteenth Amendments and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

(g) The procedures pursuant to which punitive damages are awarded fail to require that an award of punitive damages be proportion, or bear a reasonable relationship, to the actual harm incurred.

(h) The procedures pursuant to which punitive damages are awarded fail to provide mitigating factors for the jury's consideration in awarding punitive damages.

2. Plaintiffs' claim of punitive damages violates the due process clause of Article I, Section 6 of the Constitution of Alabama on the following grounds:

(a) It is a violation of the due process clause to impose punitive damages, which are penal in nature, upon a civil defendant upon the plaintiffs satisfying a burden of proof less than the "beyond a reasonable doubt" burden of proof required in criminal cases.

(b) The procedures pursuant to which punitive damages are awarded fail to provide a limit on the amount of the award against Defendant.

(c) The procedures pursuant to which punitive damages are awarded are unconstitutionally vague.

(d) The procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of the award of punitive damages; and

(e) The award of the punitive damages in this case constitutes a deprivation of property without due process of law.

TWENTIETH DEFENSE

Discovery is not yet complete in this matter and Defendant/Counter-Plaintiff reserves the right to amend or supplement its Answer and affirmative defenses at a later date pending completion of discovery in this matter.

Dated: April 8, 2025.

Respectfully submitted,

/s/J. Thomas Burgess

J. Thomas Burgess (ASB#: 0554-S78J)

Scott A. Holmes (ASB#: 8908-S78H)

Erin M. Agricola (ASB#: 4496-I30A)

Attorneys for Defendant/Counter-Plaintiff,

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OF COUNSEL:

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/s/*Jason L. Wollitz*

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Attorney for Defendant/Counter-Plaintiff,
Errol Gregory Bryant

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing on all attorneys of record, via the CM/ECF electronic filing system on April 8, 2025:

Yuri R. Linetsky (ASB#: 3088-B20W)
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Attorney and Law Student Interns for Plaintiffs/Counter-Defendants

/s/*J. Thomas Burgess, Jr.*

OF COUNSEL